

**PROTOCOL FOR USE OF THE MASSACHUSETTS UNIFORM CITATION****Introduction**

Racial and gender profiling by police officers is a national concern. In July 2000, the Massachusetts legislature passed Chapter 228 of the Acts of 2000, *An Act Providing for the Collection of Data Relative to Traffic Stops*. Many of the Act's provisions are effective **April 1, 2001**. The intent of the Act is to identify and eliminate any instances of unlawful racial and gender profiling by police officers. Among other things, the law requires the issuance of a revised motor vehicle citation and development of this protocol to assist officers in using the revised citation.

**Data Collection and Analysis**

Pursuant to the statute, the Registry of Motor Vehicles is required to collect the following data from all citations issued by police officers:

1. "identifying characteristics of the individuals who receive a warning or citation or who are arrested including the race and gender of the individual";
2. "the traffic infraction";
3. "whether a search was initiated as a result of the stop"; and
4. "whether the stop resulted in a warning, citation or arrest."

Starting **April 1, 2001**, the Registry is required to maintain statistical information on the collected data and to forward a report monthly to the Secretary of Public Safety. The Secretary must then determine when it is also appropriate to transmit such data to the Attorney General. No later than one year after the effective date of the law, the data received by the Secretary of Public Safety must be sent to a university for statistical analysis and preparation of an annual report. If the data analyzed by the university suggests that a State Police barracks or municipal police department "appears to have engaged in racial or gender profiling," the Secretary of Public Safety, in consultation with the Attorney General, shall require that such agency collect data on all traffic stops, not only those that result in a warning, citation, or arrest.

The new law specifies that the collected data shall be used *only* for statistical purposes and the analysis may not contain information that may reveal the identity of any individual who is stopped or any law enforcement officer.

**Citation Revision**

The new law requires the Registry of Motor Vehicles to revise the Massachusetts Uniform Citation to "record the race and sex of each individual cited by an officer for a motor vehicle violation, and whether or not a search occurred."

Although the former citation included a box for race and sex, new codes have been developed for the recording of the race of each person cited. The six race categories used are derived in part from the U.S. Census Bureau, the National Crime Information Center and recommendations of the Department of Justice. The six new race codes are:

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|-----|------------------------------------|
| "A" | Asian or Pacific Islander;         |
| "B" | Black;                             |
| "H" | Hispanic;                          |
| "I" | American Indian or Alaskan Native; |
| "M" | Middle Eastern or East Indian; and |
| "W" | White.                             |

In completing this box, officers shall not ask motorists to identify their race or ethnicity. Officers will be expected to use their best judgment at the time they write the citation, based on their observations, training, and experience to attempt to identify the race of the person cited. Officers are *required* to enter a race code in this box and only one race code may be recorded.<sup>1</sup> Officers are also *required* to fill in the gender box on the citation.

Additionally, the citation has been revised to include a new field that allows officers to note whether a search of a vehicle occurred at the time a citation was issued. The search box applies exclusively to *non-inventory motor vehicle searches*. Therefore, if the officer conducted only an *inventory search* in connection with the motor vehicle stop, this box should be checked “no.” If, however, the officer conducted any type of non-inventory motor vehicle search, the officer *must* check “yes” in this box. For purposes of data collection and analysis as mandated by the statute, a non-inventory motor vehicle search shall include any entry by the officer into the motor vehicle.<sup>2</sup>

The line next to the search box is available to local police departments interested in recording more detailed search information. Collection of any more detailed data on the search, such as whether there was probable cause, reasonable suspicion, consent, or search incident to an arrest, will be within the discretion of local police departments and will not be included in the Registry of Motor Vehicle’s database.

The revised citation also seeks more detailed information (#, street name or highway) concerning the location of the offense. This level of specificity will ensure that the demographics of a particular area (i.e. local and driving population) are appropriately considered in data analysis. Officers are therefore urged to clearly identify the location of the motor vehicle stop using all available information.

Also incorporated on the revised Citation is a statement that “Speeding Fines Include A \$25 Surcharge For The Head Injury Trust Fund.” This statement reflects a recent change to the Massachusetts General Laws that mandates the inclusion of this surcharge for all speeding fines.

### **Conclusion**

While this protocol primarily addresses the revisions to the Massachusetts Uniform Citation, it is important that all information sought on the citation be accurately and completely filled out by the issuing officer. Since training and experience will serve as guiding principles, it is anticipated that completing the revised citation will only take a few moments more of an officer’s time than the former citation.

This uniform protocol shall be distributed by police departments, together with the new citation books, ***no later than Sunday, April 1, 2001.***

Issued: March 12, 2001

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<sup>1</sup> *Hispanics are identified as a “race” to ensure that this information is captured for data collection and analysis and solely for purposes of implementation of this law.*

<sup>2</sup> *Nothing herein shall be construed to deem such a search to fall within the legal definition of “search” under state or federal law.*